

So Ordered.

Dated: October 6th, 2016



Frederick P. Corbit
Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:) NO. 15-02005-FPC11
)
MARION MICHELLE MACKEY MARCUM,)
dba WEST RICHLAND MUNICIPAL) FINDINGS OF FACT AND
GOLF COURSE,) CONCLUSIONS OF LAW
Debtor.)
)

THIS MATTER having come on for hearing before the HONORABLE FREDERICK P. CORBIT, United States Bankruptcy Judge for the Eastern District of Washington, by telephone conference on June 30, 2016, the Debtor appearing in person and by and through her attorney of record JAMES P. HURLEY, of Hurley & Lara, and the CITY OF WEST RICHLAND being represented by DILLON E. JACKSON, of Foster Pepper PLLC, and the Court having considered the Debtor's Third Amended Chapter 11 Plan With Disclosures filed in this matter on May 18, 2016, the argument of counsel and the testimony of the Debtor MICHELLE MARCUM, now makes the following:

FINDINGS OF FACT

1. Debtor's Third Amended Plan of Reorganization was filed May 18, 2016; and
2. The Court entered an Order conditionally approving the Disclosures contained in the

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

-1-

HURLEY & LARA
Attorneys at Law
411 North 2nd Street
Yakima, WA 98901
(509)248-4282

1 Third Amended Plan on May 23, 2016; and

2 3. Notice of Debtor's filing of Third Amended Plan With Disclosures and Ballots were
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4 mailed to all creditors and all parties in interest on May 25, 2016; and

5 4. The Third Amended Plan has been accepted in writing by the creditors and equity
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7 security holders, whose acceptance is required by law; specifically, the Plan was accepted by Classes 5,
8 6, 8, 9, 11 and 13, in accordance with their Ballots filed with the Court; and

9 5. The provisions of Chapter 11 of the United States Code have been complied with and the
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11 Plan has been proposed in good faith and not by any means forbidden by law; and

12 6. That (a) each holder of a claim or interest has accepted the Plan or will receive or retain
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14 under the Plan property of a value, as of the effective date of the Plan, that is not less than the amount
15 that such holder would receive or retain if the Debtor was liquidated under Chapter 7 of the Code on
16 such date, or (b) the Plan does not discriminate unfairly, and is fair and equitable with respect to each
17 class of claims or interest that is impaired under the Plan, and has not accepted the Plan; and

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19 7. All payments made or promised by the Debtor, or by a person issuing securities or
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21 acquiring property under the Plan, or by any other person for services or for costs and expenses, in or in
22 connection with, the Plan and incident to the case, have been fully disclosed to the Court and are
23 reasonable and are hereby approved or, if to be fixed after confirmation by the Plan, will be subject to
24 approval of the Court; and

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26 8. Confirmation of the Plan is not likely to be followed by liquidation or need for further
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28 financial reorganization of the Debtor; and

29 9. That pursuant to the Plan, the following acts or events constitutes substantial
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FINDINGS OF FACT AND
CONCLUSIONS OF LAW

-2-

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1 consummation of the Plan: Seventy-five (75) days following confirmation, provided the Debtor has
2 made all installments provided by this Plan to be paid within that time; and
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4 10. Creditors were given Notice of Confirmation and no objections thereto were made, or if
5 made, have been resolved or overruled and it is proper that the Debtor's Plan be confirmed.
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8 Based upon the foregoing Findings of Fact, the Court now makes the following:

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10 **CONCLUSIONS OF LAW**

11 1. Subject to the terms of the Confirmation Order and the Findings of Fact, the Plan has
12 been accepted in writing by the creditors and equity security holders, whose acceptance is required by
13 law; and
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15 2. The Disclosures contained in the Plan are adequate; and

16 3. The provisions of Chapter 11 have been complied with; the Plan has been proposed in
17 good faith and not by any means forbidden by law; and
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19 4. (i) Each holder of a claim or interest has accepted the Plan or will receive or retain
20 under the Plan property of a value as of the effective date of the Plan that is not less than the amount that
21 such holder would receive or retain if Debtor were liquidated under Chapter 7 of the Code on such date;
22 or
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24 (ii) The Plan does not discriminate unfairly and is fair and equitable with respect to
25 each class of claims or interest that are impaired under the Plan and has not accepted the Plan; and
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27 5. All payments made or promised by the Debtor or by the person issuing securities or
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1 acquiring property under the Plan or by any other person for services or for costs and expenses in, or in
2 connection with, the Plan and incident to the case, have been fully disclosed to the Court and are
3 reasonable or, if to fixed after Confirmation of the Plan, will be subject to approval of the Court; and
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5 6. The identity, qualifications and affiliations of the persons who are to be the manager
6 managers of the Debtor after confirmation of the Plan have been fully disclosed, and the appointment of
7 such persons to such offices or to the continued appointment of such persons to such offices, or their
8 continuance therein, is equitable and consistent with the interest of the creditors and equity security
9 holders and with public policy; and
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12 7. The identity of any insider that will be employed or retained by the Debtor and their
13 compensation has been fully disclosed; and
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15 8. Confirmation of the Plan is not likely to be followed by liquidation or the need for further
16 financial reorganization of the Debtor;
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18 9. Substantial confirmation shall not occur before the seventy-fifth (75th) day after the
19 effective date; and
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21 10. Debtor's Third Amended Plan shall be confirmed.
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23 ////////// END OF ORDER //////////
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FINDINGS OF FACT AND
CONCLUSIONS OF LAW

-4-

HURLEY & LARA
Attorneys at Law
411 North 2nd Street
Yakima, WA 98901
(509)248-4282

1 Presented by:

2 s/ James P. Hurley

3 JAMES P. HURLEY WSBA #6615

4 Attorney for Debtor

6 APPROVED:

8 s/ James D. Perkins

9 JAMES D. PERKINS WSBA #12996

10 Attorney for the U.S. TRUSTEE

12 s/ Dillon E. Jackson

13 DILLON E. JACKSON WSBA #1539

14 FOSTER PEPPER PLLC

15 Attorney for City of West Richland

30 FINDINGS OF FACT AND
CONCLUSIONS OF LAW

-5-

HURLEY & LARA
Attorneys at Law
411 North 2nd Street
Yakima, WA 98901
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